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09/692,316	10/20/2000	Sung Bae Jun	P-140	5754
34610	7590	08/12/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/692,316

Applicant(s)

JUN, SUNG BAE

Examiner

HUY T. NGUYEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/28/05, 6/22/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1- 7 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collings (5,828,402) in view of Lewis et al (6,694,090) and the admitted prior art in the specification pages 1-4, Figs. 1-2) .

Regarding claim 1, Collings discloses a method for providing multi level digest stream (Abstract) comprising:

searching user preference information having a user preference/non preference level by categories for a multimedia stream (columns 5 and 6, column 11, lines 37-65); and

reconstructing a multi-level digest stream information on the multimedia stream as an adaptive multi-level digest stream information according to the user preference information, using both the searched user preference information/user reference/non-preference levels (column 10, lines 10-27, column 17, lines 32-68, column 28, lines 20-45).

Collings fails to specially teach using a content-based data in reconstructing multi-level digest stream information .

The admitted prior art , Fig. 1 and page 1 in the specification, teaches using content-based data as an additional data to the user preference information for generating digest stream information .

It would have been obvious to one of ordinary skill in the art to modify Collings with the admitted prior art by using content based data in additional to the use preference for reconstructing the multi-level digest stream information in order to reduce the labor and time of user in searching the favorite media stream .

Collings fails to teaches that the importance levels of the stream data can be changed by user reference .

Lewis teach a system having means for changing importance levels of the signals (rating limits) for the user preference (column 2, lines 3-10).

It would have been obvious to one of ordinary skill in the art to modify Collings as modified with the admitted prior art by using the teaching of changing the importance levels as taught Lewis with the method of Collings as modified with the admitted prior art for changing the importance levels of the multi digest levels based on the user preference thereby providing more flexible to the user in selecting a level for stream data to be viewed by the user.

Method claim 12 corresponds to apparatus claim 1. Therefore method claim 12 is rejected by the same reason as applied to apparatus claim 1.

Regarding claim 2, Collings as modified with the admitted prior art further teaches the user-adaptive multi-level digest stream information is dynamically provided according to the user preference information (column 17, lines 35-40).

Regarding claim 3, Collings as modified with the admitted prior art further teaches the content base data is a description of information including characters, director, production company, appearance/status of an audiovisual object, occurrence of an event, segment characteristics, audiovisual background and segment information. However, it is noted that using a description of information including characters, director, production company, appearance/status of an audiovisual object, occurrence of an event, segment characteristics, audiovisual background and segment information (See the admitted prior art, pages 1-2 in the specification).

Regarding claim 4, Collings as modified with the admitted prior art further teaches the user preference information is generated by data editing of the user since the preference information and content –based can be selected and changed by the user .

Regarding claim 5, Collings as modified with the admitted prior art further teaches the user preference information is generated by data editing of the user since the preference information can be changed by the user.

Regarding claim 6, Collings further teaches the multi-level digest stream information is formed as a multi-level digest segment information scheme containing the importance level of segments of the multimedia stream and the segment information (columns 5-7, column 10, lines 21-30) .

Regarding claim 7, Collings further teaches using a memory for storing the user preference information but fails to specifically teaches the user preference information is stored in an external portable nonvolatile memory unit being a smart card, a nonvolatile memory unit of a predetermined server or a nonvolatile memory unit of a client device. However, it is noted that that using an external memory for storing the use preference information is well known in the art as taught by the admitted prior art in the specification, page 4. Therefore it would have been obvious to one of ordinary skill in the art to modify Collings with the admitted prior art by using an external nonvolatile memory for storing the user preference information thereby facilitating replacing the memory when needed.

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Regarding claim 13, Collings as modified with the admitted prior art further teaches providing a user-adaptive multi-level digest stream according to the generated multi-level digest stream information (See Collings column 10, lines 10-27, column 17, lines 32-68, column 28, lines 20-45, the admitted prior art Fig. 1-2 ).

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collings (5,828,402) in view of the admitted prior art and Lewis et al (6,694,090) as applied to claim 13 above, and further in view of Ellis et al (US 2003/0020744 A1) .

Regarding claim 14, Collings as modified with the admitted prior art fails to teach that the user preference information is learned from a pattern of accessing to multimedia contents by the user.

Ellis teaches that the preference can be learned from a pattern of accessing the multimedia by using history accessing multimedia of the user (pages 10-11, section 0107 – 0110).

It would have been obvious to one of ordinary skill in the art to modify Collings with Ellis by using the teaching of Ellis to provide the user preference information that learned from pattern of accessing multimedia of the user as additional preference information use for determining a desired media stream .

4. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collings (5,828,402) in view of Ellis et al (US 2003/0020744 A1) and Lewis et al (6,694,090) .

Regarding claim 8, Collings discloses a method for providing user-adaptive multi-level digest stream, comprising:

reading out user preference information of the user who has requested a digest stream (column 9, lines 39-52, column 17, lines 30-40);

readjusting an importance level of digest segments of information on a requested multi-level digest stream according to the read user preference information (column 10, lines 10-30, column 18, lines 35-65); and

providing the requested digest stream of a user-requested length using the adjusted importance level of the digest segments (column 10, lines 10-30, column 18, lines 53-65).

Collings fails to teach discriminating a user request .

Ellis teaches discriminating a user request and reading the user preference information based on the user request (Pages 8-9, sections 0089 –0095).

It would have been obvious to one of ordinary skill in the art to modify Collings with Ellis by providing discriminating a user request in order to preventing error in reading the user preference information .

Regarding claim 9, Collings as modified with Ellis further teaches among the digest segments whose content-based data is consistent with the user preference information, the importance level of the digest segment preferred by the user is



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increased and the importance level of the digest segment non-preferred by the user is decreased by comparing the content-based data for the digest segment and the user preference information in the readjusting step since the user can select and adjust the preference level and content based data (See Collings , column 6, column 10, Ellis page 9, section 0092-0095).

Collings fails to teaches that the importance level of digest levels can be changed by user preference .

Lewis teaches a system for changing importance levels (rating limits) for the user preference (column 2, lines 3-10).

It would have been obvious to one of ordinary skill in the art to modify Collings as modified with the admitted prior art by using the teaching of changing the importance levels as taught Lewis with the method of Collings as modified with the admitted prior art for changing the importance levels of the multi digest levels based on the user preference thereby providing more flexible to the user in selecting a level for stream data to be view by the he user.

Regarding claim 10, Collings as modified with Ellis further teaches the importance level is readjusted by adding a predetermined weight value to the user preference level of a preferred category since the user can select and change the level (See Collings , column 6, Ellis page 9 section 0095).

Regarding claim 11, Collings as modified with Ellis further teaches the user preference information includes user preference/non-preference levels by multimedia categories (See Collings column 10, Ellis page 9, sections 0092-0095).

### ***Response to Arguments***

5. Applicant's arguments with respect to amended claims filed 26 May 2005 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY T. NGUYEN  
PRIMARY EXAMINER